

ACE Group

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BRANCH 2

STATE OF WISCONSIN

JUDGE JEFFERY L. ANDERSON
CIRCUIT COURT

POLK COUNTY

DWIGHT M. EVENSON

421 Birchwood Avenue
Amery, Wisconsin 54001

Plaintiffs,

and

**ATRISAN TRUCKERS AND
CASUALTY COMPANY**

Post Office Box 89490
Cleveland, Ohio 44101

Case Code: PI Auto 30101

Involuntary-Plaintiffs,

vs.

DAVID M. SAGER

17020 3rd Street North East
Ham Lake, Minnesota 55304

and

FEDERAL EXPRESS CORPORATION

3610 Hacks Cross Road
Memphis, Tennessee 38125

and

**ACE PROPERTY AND CASUALTY
INSURANCE COMPANY**

Post Office Box 1000
Philadelphia, Pennsylvania 19106

Defendants.

AUTHENTICATED

Case Number: 13CV 436
BY: Joanne Ritten

FILED

SEP 25 2013

Clerk of Circuit Court
Joanne Ritten-Polk County

SUMMONS

THE STATE OF WISCONSIN

To each person named above as a Defendant:

(1) Personal Service, Complaint Attached.

EX. A

You are hereby notified that the plaintiff named above has filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action.

Within 45 days of receiving the Summons, you must respond with a written answer as that term is used in Chapter 802 of the Wisconsin Statutes, to the Complaint. The Court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the Court whose address is:

Clerk of Circuit Court
300 Polk County Judicial Center
1005 West Main Street
Post Office Box 549
Balsam Lake, Wisconsin 54810

and to plaintiff's attorney, whose address is

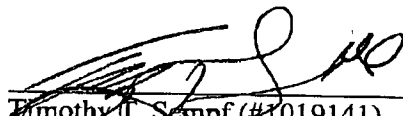
Timothy T. Sempf, Esq.
NOVITZKE, GUST, SEMPf, WHITLEY & BERGMANIS
314 Keller Avenue North, Suite 200
Amery, Wisconsin 54001

You may have an attorney help or represent you.

If you do not provide a proper answer within 45 days, the Court may grant judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated this 2 day of September, 2013.

NOVITZKE, GUST, SEMPf, WHITLEY
& BERGMANIS



Timothy T. Sempf (#1019141)
314 Keller Avenue North, Suite 200
Amery, Wisconsin 54001
Phone: 715-268-6130

STATE OF WISCONSIN

CIRCUIT COURT

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Defendants.

COMPLAINT

The plaintiff complains of the defendants as follows:

1. On December 9, 2011, in Polk County, Wisconsin, an automobile accident occurred.

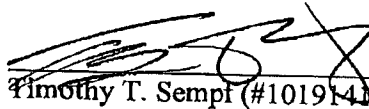
2. That plaintiff, Dwight Evenson is an adult resident of Polk County, State of Wisconsin, with his primary residence located in Amery.
3. That involuntary-plaintiff, Artisan and Truckers Casualty Company, is the underwriter for Progressive, and is an insurance company licensed to do business in the State of Wisconsin, and is made a proper party hereto pursuant to Wisconsin Statutes.
4. That defendant, David Sager, upon information and belief, on December 9, 2011, was an adult resident of the State of Minnesota, with his primary residence located in Ham Lake.
5. That on December 9, 2011, defendant, David Sager, was an employee of defendant, Federal Express Corporation.
6. That defendant, Federal Express Corporation, is a foreign business corporation duly organized and existing pursuant to the laws of the State of Wisconsin, with their principal office address being 3610 Hacks Cross Road, Memphis, Tennessee 38125, and is made a proper party hereto.
7. That defendant, ACE Property and Casualty Insurance Company, is an insurance company licensed to do business in the State of Wisconsin, and is made a proper party hereto pursuant to Wisconsin Statutes.
8. That on December 9, 2011, defendant, ACE Property and Casualty Insurance Company, had in effect a policy of insurance covering the vehicle owned by defendant, Federal Express Corporation, and operated by defendant, David Sager.
9. That on December 9, 2011, defendant, David Sager, while within the scope of his employment through defendant, Federal Express Corporation, failed to maintain control of the vehicle he was operating and caused a collision to occur.
10. That the accident that occurred on December 9, 2011 was proximately caused by the negligence of defendant, David Sager, and defendant, Federal Express Corporation, is vicariously liable for the negligent acts of its employee, David Sager.
11. That as a result of the motor vehicle accident of December 9, 2011, caused by the negligence of defendant, David Sager, plaintiff, Dwight Evenson, suffered injuries and damages.
12. That on or about December 9, 2011, involuntary-plaintiff, Artisan and Truckers Casualty Company had in effect a policy of insurance covering plaintiff, Dwight Evenson, and has provided benefits to him under that policy, therefore is a property party to this action.
13. That involuntary-plaintiff, Artisan and Truckers Casualty Company, is entitled to subrogation rights in this action pursuant to §803.03(2).
14. That defendants, David Sager, Federal Express Corporation, and ACE Property and Casualty Insurance Company, are liable for the injuries and damages suffered by plaintiff, Dwight Evenson, as a result of the December 9, 2011 automobile accident.

15. That defendants, David Sager, Federal Express Corporation and ACE Property and Casualty Insurance Company, are liable to involuntary-plaintiff, Artisan and Truckers Casualty Company, for reimbursement of the monies paid on behalf of their insured.

WHEREFORE, judgment is demanded against the defendants for damages in accordance with the allegations of the complaint.

Dated this 3 day of September, 2013.

NOVITZKE, GUST, SEMPf, WHITLEY
& BERGMANIS



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